



# 27 <sup>6x/13</sup> RCE/12633  
Smw 6-28-03

PATENT  
ATTORNEY DOCKET NO. 048462-5004-01

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
Nicholas J. DORAN, <i>et al.</i>	)	Confirmation No.: 4850
Application No.: 09/083,966	)	Group Art Unit: 2633
Filed: May 26, 1998	)	Examiner: K. Negash
For: DISPERSION MANAGEMENT	)	Mail Stop RCE
SYSTEM FOR SOLITON OPTICAL	)	
TRANSMISSION SYSTEM	)	

**RECEIVED**

**JUN 19 2003**

**Technology Center 2600**

U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window, **Mail Stop RCE**  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Sir:

**TRANSMITTAL OF RESPONSE TO EX PARTE QUAYLE ACTION  
AND REQUEST FOR CONTINUED EXAMINATION (RCE)**

This is a Response to the Ex Parte Quayle Action dated January 14, 2003, and a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

1. Submission required under 37 C.F.R. § 1.114

- ☐ Previously submitted:
- ☐ Please consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on \_\_\_\_\_ (Any unentered amendment(s) referred to above will be entered).
  - ☐ Please consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_.
  - ☐ Other: \_\_\_\_\_
- ☒ Enclosed:
- ☐ Supplemental Reply
  - ☐ Affidavit(s)/Declaration(s)
  - ☒ Information Disclosure Statement
  - ☒ Form 1449
  - ☒ Other: Preliminary Amendment under 37 C.F.R. § 1.114

06/17/2003 CCHAU1 00000111 500310 09083966  
02 FC:1801 750.00 DA  
03 FC:1202 90.00 DA  
04 FC:1201 252.00 DA

## 2. Miscellaneous

- ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed three-months; Fee under 37 C.F.R. § 1.17(i) required.)
- ☐ Other: \_\_\_\_\_.

## 3. Fees Calculation

## (a) RCE Fee required under 37 C.F.R. § 1.17(e)

- ☒ \$750.00
- ☐ \$375.00 (for small entity)

## (b) Extension of Time

- ☐ Applicants believe that no extension of time is required. A Notice of Appeal was filed on February 24, 2003 thus resetting the initial period for response to extend through April 24, 2003. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition and fee for extension of time.

- ☒ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below.

Total Months Requested	Fee for Extension	Fee for Small Entity
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 410.00	\$205.00
<input checked="" type="checkbox"/> three months	\$ 930.00	\$465.00
<input type="checkbox"/> four months	\$1,450.00	\$725.00

The extension of time fee for this request: \$930.00.

If an additional extension of time is required, please consider this a Petition therefor.

4. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	34	Minus	29	5	x \$18 each=	+ \$ 90.00
Independent Claims (37 C.F.R. §1.16(b))	12	Minus	9	3	x \$84 each=	+ \$ 252.00
<input type="checkbox"/> First presentation of Multiple dependent claim(s)					\$280.00	+ \$
<b>SUB-TOTAL =</b>						<b>\$ 342.00</b>
Reduction by ½ for filing by a small entity						- \$ 0.00
<b>TOTAL FEE =</b>						<b>\$ 342.00</b>

5. Fee Payment

- ☐ No fee is to be paid at this time.
- ☒ The Commissioner is hereby authorized to charge the Deposit Account No. 50-0310 in the amount of \$2,022.00 to include (\$750.00) for the RCE filing fee, (\$930.00) for the 3-month extension of time fee, (\$90.00) for additional claims fee and (\$252.00) for additional independent claims fee.
- ☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

**MORGAN LEWIS & BOCKIUS LLP**

Dated: June 16, 2003

By:

*Mary Jane Bockius*  
*Reg. No. 33,652 for*  
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